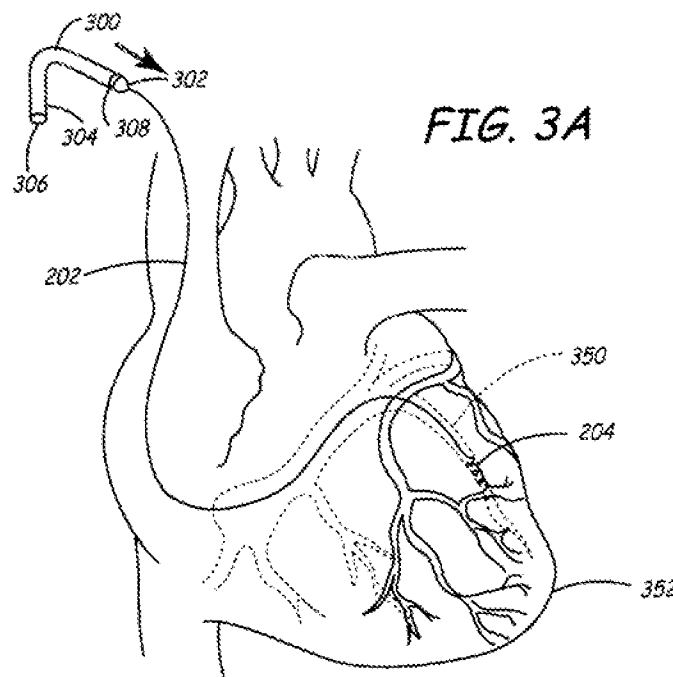


### **REMARKS**

Claims 18, 19, 21-31, 33-45 and 48-65 are pending in the application. Of these claims, 23, 26-30 and 51-65 are withdrawn from consideration. Claims 18, 22, 33, 36, 38-40, 43, 44 and 48-50 were rejected, and claims 19, 21, 22, 24, 25, 34, 35, 37, 41, 42, and 45 are objected to as being dependent upon a rejected base claim.

### **Section 102/103 Rejections**

The Office Action rejected independent claims 18, 43, and 50 under 35 U.S.C. § 102 as anticipated by U.S. Publication 2003/0204231 (“*Hine*”). The rejected dependent claims were rejected as anticipated by *Hine* or obvious under section 103 over *Hine* in view of other cited references. *Hine* is directed to a lead configuration adapted for positioning in the cardiac veins. (*Hine*, ¶ 7.) As shown in FIG. 3A (reproduced below), *Hine* discloses a “lead 202” having a “stent 204,” positioned in a coronary vein.



Each of independent claims 18, 43, and 50 require an anchor configured to “anchor against an outside surface of the heart.” The stent 204 is not capable of anchoring against an epicardial surface, but, to the contrary, is adapted to anchor with a vessel. In fact, *Hine* expressly states that its embodiments “permit an electrical contact with the heart without physically exposing the heart itself, i.e., major thoracic surgery is not required.” (*Hine*, ¶ 5.) Accordingly,

the skilled artisan having “common sense,” would have no reason to modify or combine *Hine* with any other cited reference. Thus, claims 18, 43, and 50, and the various claims depending therefrom, are each patentable over the cited art.

### **Conclusion**

For the reasons explained above, all pending claims are now in condition for allowance. Accordingly, the applicant respectfully requests that the Office issue a Notice of Allowance. Even if not expressly discussed above, the applicant respectfully traverses each of the rejections, assertions, and characterizations regarding the disclosure and teachings of the cited references, including the prior art status and the propriety of proposed combinations of cited references. The applicant has made a good faith effort to respond to all rejections set forth in the Office Action and to place the pending claims in condition for immediate allowance. If the Examiner has any questions or comments, the Examiner is requested to contact the undersigned at 612-766-7436.

Respectfully submitted,

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